

Appendix 4A-1: Tools for Monitoring Enforcement of Water Use Restrictions during the Drought

Robert M. Brown

EXHIBIT 1: PLAN FOR IMPLEMENTING WATER SHORTAGE ENFORCEMENT IN AGRICULTURAL AND URBAN AREAS

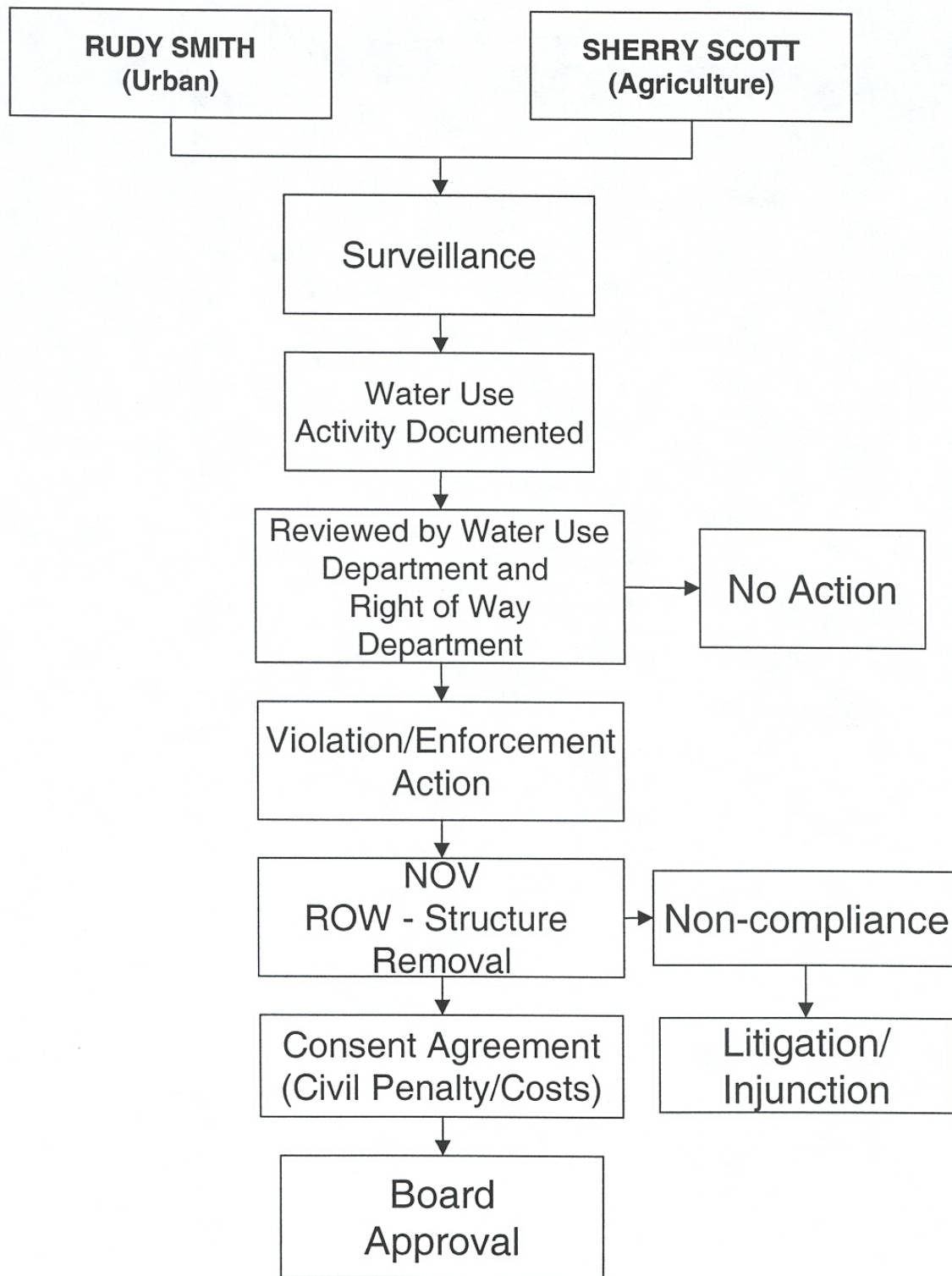
**EXHIBIT 1**

EXHIBIT 2: WATER SHORTAGE VIOLATION FIELD REPORT FORM

**ATTACH PHOTO DOCUMENTATION WITH DATE & TIME STAMP
TO THIS REPORT.**

LOCATION MAP

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EXHIBIT 3: PENALTY ASSESSMENT MATRIX FOR VIOLATIONS OF WATER SHORTAGE RESTRICTIONS

PENALTY ASSESSMENT MATRIX



Extent of Deviation

<i>Potential for Harm</i>		<u>Major</u>	<u>Moderate</u>	<u>Minor</u>
	<u>Major</u>	\$10,000 to \$8,000	\$7,999 to \$6,000	\$5,999 to \$4,600
	<u>Moderate</u>	\$4,600 to \$3,200	\$3,199 to \$2,000	\$1,999 to \$1,200
	<u>Minor</u>	\$1,199 to \$600	\$599 to \$200	\$199 to \$100

EXHIBIT 3

ERC Division 1999

EXHIBIT 4: TABLE OF WATER RESTRICTION PENALTIES PER DAY, PER OFFENSE

WATER RESTRICTION PENALTIES

	100,000 GPD or Less *	100,000 to 1,000,000 GPD *	1,000,000 GPD or more *
1st Offense**	\$ 200	\$ 500	\$ 1,000
2nd Offense**	\$ 1,500	\$ 2,500	\$ 5,000
3rd Offense***	\$ 5,000	\$ 7,500	\$ 10,000

* Permitted Allocation
 ** Per Day, Per Offense
 *** Revocation of Permit and Injunctive Relief

EXHIBIT 4

EXHIBIT 5: NOTICE OF VIOLATION/CONSENT AGREEMENT FOR MODIFIED PHASE II RESTRICTIONS

CON 24-06-04

Date:

VIA CERTIFIED MAIL

Dear Sir or Madam:

NOTICE OF VIOLATION/CONSENT AGREEMENT**Subject: Violation of Water Restrictions****Project:****Permit No. :****County****Order No. _____**

The purpose of this correspondence is to advise you that you are in violation of **Modified Phase II Water Restrictions as described in Water Shortage Order Number 2001-48** (copy attached). District staff documented this violation at _____ a.m. on _____ 2001. The violation consisted of _____ irrigation and occurred outside of the designated day and time specified for irrigation.

As a result of this violation the District will seek a civil penalty/costs in the amount of _____ **Dollars (\$0.00)**. The District is authorized to seek civil penalties up to Ten Thousand Dollars (\$10,000.00) per day, per offense and to recover staff investigative time and attorney fee's under Section 373.129 **Florida Statutes**. The penalty/costs amount referenced above was generated from a penalty matrix specifically designed for water restriction violations and is based upon the matrix used by the United States Environmental Protection Agency (EPA). This penalty/costs amount represents a first time offense. Be advised that should the District document further violations of the **Modified Phase II Water Restriction Order Number 2001-48**, civil penalties/costs will increase substantially and may include revocation of permit no. _____ and injunctive relief by the court.

EXHIBIT 5

Project:**Order No.** _____**Date:****Page 2**

Your execution of this short form consent agreement constitutes your acknowledgement to the terms to resolve this violation. This agreement will then be presented to the District's Governing Board with a staff recommendation for approval. The terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.129 and 373.136, Florida Statutes.

Without admitting liability, you have provided assurances of good faith compliance with all agreements entered into between yourselves and the District in consideration for the District not taking action to seek judicial imposition of damages, or civil penalties/costs for the violation described above. If you do not sign and return this letter to the South Florida Water Management District, at the address given above, within seven (7) days of receipt it will be assumed that you do not intend settling this matter according to the terms described herein. Subsequently, this matter would then be referred to the District's Office of Counsel with a recommendation that formal enforcement action be taken against you.

The civil penalty/District costs amount of _____ (**\$0.00**) is to be paid by certified check or money order to the South Florida Water Management District, 3301 Gun Club Road, Post Office Box 24680, West Palm Beach, Florida 33416-4680, to the attention of Rudy Smith, Senior Regulatory Supervisor, Environmental Resource Compliance Department. This payment is due within fourteen (14) days of execution of this agreement by the District's Governing Board.

Should you have any questions or require additional information, please contact me at (561) 682-6599. Your attention and cooperation in this matter is important to avoid further action.

Sincerely,

Rudy Smith
Sr. Regulatory Supervisor
Environmental Resource Compliance Department
South Florida Water Management District

RS
Attachment(s)

Project:
Order No. _____
Date:
Page 3

DONE AND SO ORDERED at West Palm Beach, Palm Beach County, Florida, this
_____ day of _____ 2001.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD

BY: _____
Deputy Executive Director

RESPONDENT

BY: _____

ATTEST:

BY: _____
Assistant Secretary

c: John Fumero, SFWMD, Office of Counsel

EXHIBITS 6 AND 7: NOTICE OF VIOLATION/CONSENT AGREEMENT FOR PHASE II RESTRICTIONS

CON 24-06-04

Date:

VIA CERTIFIED MAIL

Dear Sir or Madam:

NOTICE OF VIOLATION/CONSENT AGREEMENT

Subject: Violation of Water Restrictions
Project:
County
Sec./Twp. S/Rge. E
Order No. _____

The purpose of this correspondence is to advise you that you are in violation of **Phase II Water Restrictions** as described in **Water Shortage Order Number 2001-04** (copy attached) and consumptive use of water without a permit. District staff documented this violation at _____ a.m. on _____, 2001. The violation consisted of _____ irrigation and occurred outside of the designated day specified for irrigation.

As a result of this violation of **Phase II Water Restriction Order Number 2001-04** the District will seek a civil penalty and recovery of costs in the amount of _____ **Dollars (\$00.00)**. The District is authorized to seek civil penalties up to Ten Thousand Dollars (\$10,000.00) per day, per offense and to recover staff investigative time and attorney fee's under Section 373.129 **Florida Statutes**. The penalty amount referenced above was generated from a penalty matrix specifically designed for water restriction violations and is based upon the matrix used by the United States Environmental Protection Agency (EPA). This penalty amount represents a first time offense. Be advised that should the District document further violations of the Phase II Water Restrictions, civil penalties will increase substantially.

EXHIBIT 6

Project:

Order No. _____

Date:

Page 2

Furthermore, you are directed to submit a permit application for the consumptive use of water within 30 days of receipt of this correspondence and to obtain District authorization in a timely manner. You are required to obtain a permit authorization for the consumptive use of water under Section 373.219, **Florida Statutes** and Rules 40E-2 or 40E-20, **Florida Administrative Code**. Accordingly, you are directed to cease all unauthorized use of water in violation of state law until a permit is issued. Failure to submit and complete this permit application will result in the District taking additional enforcement action to mandate compliance. You may contact Mr. Jeffrey Rosenfeld of the District's Water Use Permitting Department at (561) 682-6922 for further information.

Your execution of this short form consent agreement constitutes your acknowledgement to the terms to resolve this violation. This agreement will then be presented to the District's Governing Board with a staff recommendation for approval. The terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.129 and 373.136, **Florida Statutes**.

Without admitting liability, you have provided assurances of good faith compliance with all agreements entered into between yourselves and the District in consideration for the District not taking action to seek judicial imposition of damages, or civil penalties for the violation described above. If you do not sign and return this letter to the South Florida Water Management District, at the address given above, within seven (7) days of receipt, it will be assumed that you do not intend settling this matter according to the terms described herein. Subsequently, this matter would then be referred to the District's Office of Counsel with a recommendation that formal enforcement action be taken against you.

The civil penalty/District costs amount of _____ **Dollars (\$00.00)** is to be paid by certified check or money order to the South Florida Water Management District, 3301 Gun Club Road, Post Office Box 24680, West Palm Beach, Florida 33416-4680, to the attention of Rudy Smith, Sr. Regulatory Supervisor, Environmental Resource Regulation Department. This payment is due within fourteen (14) days of execution of this agreement by the District's Governing Board.

Project:
Order No. _____
Date:
Page 3

Should you have any questions or require additional information, please contact me at (561) 682-6599. Your attention and cooperation in this matter is important to avoid further action.

Sincerely,

Rudy Smith
Sr. Regulatory Supervisor
Environmental Resource Compliance Department
South Florida Water Management District

RS
Attachment(s)

Project:
Order No. _____
Date:
Page 4

DONE AND SO ORDERED at West Palm Beach, Palm Beach County, Florida,
this _____ day of _____ 2001.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD

BY: _____
Deputy Executive Director

RESPONDENT

BY: _____

ATTEST:

BY: _____
Assistant Secretary

c: John Fumero, SFWMD, Office of Counsel

CON 24-06-04

Date: VIA CERTIFIED MAIL

Dear Sir or Madam:

NOTICE OF VIOLATION/CONSENT AGREEMENT

Subject: Violation of Water Restrictions
Project:
County
Sec. /Twp. S/Rge. E
Order No. _____

The purpose of this correspondence is to advise you that you are in violation of **Modified Phase II Water Restrictions** as described in **Water Shortage Order Number 2001-48** (copy attached). District staff documented this violation at _____ a.m. on _____ 2001. The violation consisted of _____ irrigation and occurred outside of the designated day and time specified for irrigation.

As a result of this violation the District will seek a civil penalty/costs in **the amount of** _____ **Dollars (\$.00)**. The District is authorized to seek civil penalties up to Ten Thousand Dollars (\$10,000.00) per day, per offense and to recover staff investigative time and attorney fee's under Section 373.129 **Florida Statutes**. The penalty/costs amount referenced above was generated from a penalty matrix specifically designed for water restriction violations and is based upon the matrix used by the United States Environmental Protection Agency (EPA). This penalty/costs amount represents a first time offense. Be advised that should the District document further violations of the **Modified Phase II Water Restriction Order**, civil penalties/costs will increase substantially and may include injunctive relief by the court.

EXHIBIT 7

Project:**Order No.** _____**Date:****Page 2**

Your execution of this short form consent agreement constitutes your acknowledgement to the terms to resolve this violation. This agreement will then be presented to the District's Governing Board with a staff recommendation for approval. The terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.129 and 373.136, Florida Statutes.

Without admitting liability, you have provided assurances of good faith compliance with all agreements entered into between yourselves and the District in consideration for the District not taking action to seek judicial imposition of damages, or civil penalties/costs for the violation described above. If you do not sign and return this letter to the South Florida Water Management District, at the address given above, within seven (7) days of receipt it will be assumed that you do not intend settling this matter according to the terms described herein. Subsequently, this matter would then be referred to the District's Office of Counsel with a recommendation that formal enforcement action be taken against you.

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Should you have any questions or require additional information, please contact me at (561) 682-6599. Your attention and cooperation in this matter is important to avoid further action.

Sincerely,

Rudy Smith
Sr. Regulatory Supervisor
Environmental Resource Compliance Department
South Florida Water Management District

RS
Attachment(s)

Project:
Order No. _____
Date:
Page 3

DONE AND SO ORDERED at West Palm Beach, Palm Beach County, Florida, this
_____ day of _____, 2001.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD

BY: _____
Deputy Executive Director

RESPONDENT

BY: _____

ATTEST:

BY: _____
Assistant Secretary

c: John Fumero, SFWMD, Office of Counsel

EXHIBIT 8: WATER SHORTAGE VIOLATION FIELD REPORT, AGRICULTURAL

Water Shortage Violation Field Report Agricultural

Date _____ Day _____ Time _____ AM/PM

Property Name _____

Property Address _____

Street _____

City _____

County _____

Water Use Permit # _____

Basin Order # _____

Section _____ Twp _____ Range _____

GPS Coordinates _____

Type: ☐ Pasture ☐ Citrus ☐ Sugar Cane ☐ Vegetables
☐ Sod ☐ Other

Violation:

- ☐ Overhead irrigation outside of restricted hours
☐ Agricultural irrigation outside of restricted odd/even days or times
☐ Lack of valid water use permit
☐ Other – Describe in detail below _____

Field Observations _____

Field Inspector (signature) _____

.....
(For Water Use Regulation Staff)

Property Owner _____ Phone No. _____

Owner Address _____

Street _____

City _____

State _____ Zip _____

WU Permit No. _____ ☐ No WU Permit

Variance No. _____ ☐ No Variance Board Order No. _____

Category: ☐ <100,000 GPD ☐ 100,000 to 1,000,000 GPD ☐ > 1,000,000 GPD

Offense: ☐ First ☐ Second ☐ Third ☐

Water Use Compliance Reviewer (print) _____ Initials _____

Water Use Compliance Supervisor (signature) _____

EXHIBIT 8

**ATTACH PHOTO DOCUMENTATION WITH DATE & TIME STAMP
TO THIS REPORT.**